

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:15-CV-00103-F

VIRGINIUS R. PHIPPS,

Plaintiff,

v.

BENJAMIN L. GRADY, DALE
FAIRCLOTH, STRATTON F. STOKES,
C.L. JOHNSON, BLAKE WALLACE, THE
DUPLIN COUNTY NORTH CAROLINA
SHERIFF'S OFFICE, and DUPLIN
COUNTY, NORTH CAROLINA,

Defendants.

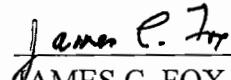
ORDER

On August 31, 2016, the court dismissed Plaintiff's claims against Defendants Duplin County Sheriff's Office, Duplin County, and C.L. Johnson. The court further ordered Plaintiff to show cause for his failure to serve Defendants Stratton F. Stokes and Blake Wallace, warning that failure to demonstrate good cause why such service was not made may result in dismissal of the claims against these defendants. Plaintiff has not responded to the court's August 31, 2016 Order. Accordingly, Plaintiff's claims against Defendants Stokes and Wallace are DISMISSED without prejudice.

A single claim remains—Plaintiff's North Carolina common law claim for malicious prosecution against Defendant Benjamin L. Grady. The court's power to adjudicate that claim rests solely on supplemental jurisdiction, which no longer exists in this case. Accordingly, Defendant Grady's motion to dismiss [DE-42] is ALLOWED and his motion to stay [DE-44] is DISMISSED as moot. The Clerk of Court is DIRECTED to close this case.

SO ORDERED.

This the 25th day of October, 2016.



JAMES C. FOX

Senior United States District Judge